

Remarks/Arguments

Amendments Unrelated to Patentability

Applicants have clarified claims 6 and 15-19 for reasons unrelated to patentability. Claim 6 has been amended to clarify the structural arrangement of the apparatus. Applicants have amended claims 15-16 only to provide for proper antecedent basis. In claims 17-19, applicants have corrected inadvertent errors in antecedent basis and have limited references to the work piece, i.e. the source body. Claim 14 has not been amended.

These amendments are provided to correct inadvertent errors. These corrections are not related to patentability and no new matter has been added by this amendment.

Claims Rejections – 35 U.S.C. § 112

Claims 6 and 14-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicants have amended claim 6 to provide for proper antecedent basis and to rearrange some portions of the claim for ease of understanding. These modifications are believed to fully address any alleged indefiniteness and Applicant respectfully requests that this rejection be withdrawn.

Claims Rejections – 35 U.S.C. § 102

Claims 6 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rudy et al. ('254). A claim is anticipated only if each and every element as set forth in the claim is found in a prior art reference. See MPEP 2131. Claim 6 has been clarified to recite, "the optical detection device determines the area of the face by means of said optical contrast between the surrounding environment and the face, and the source

body is advanced as a function of the measured face area as determined by the optical detection device." This arrangement is not found in the prior art. While the '254 patent teaches a shadow line across the source body for determining a profile of a source body, it does not teach an apparatus for determining an area of a face. It is this unique combination disclosed by the applicants that is not found in the prior art. Because the prior art reference does not teach or suggest this arrangement, claim 6 must be viewed as unanticipated. Applicants courteously request that this claim rejection be withdrawn.

Claims 14-19 depend from claim 6 and include all the structural limitations thereof. Because the prior art references do not teach or suggest the limitations of claim 6, claims 14-19 must be viewed as unanticipated as well. Moreover, these claims include additional structural and functional limitations not found in the prior art. Therefore, Applicants courteously request that this claim rejection be withdrawn as well.

For the reasons stated above, the Applicant respectfully believes the application is now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



By: David A. Chambers, Reg. No. 50,788
Husch & Eppenger, LLC
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
309-637-4900
309-637-4928 FAX